

ORDER FOR PRETRIAL PREPARATION

PRETRIAL CONFERENCE

1. Not less than 30 days prior to the pretrial conference, counsel shall exchange (but not file or lodge) the papers described in Civil L.R. 16-14(b)(7),(8),(9), and (10), and their motions in limine.

2. Together with the pretrial statement required by Civil L.R. 16-15(b), counsel shall submit the following.

a. Exhibit List and Objections. The exhibit list required by Civil L.R. 16-15(b)(4)(B) shall list each proposed exhibit by its number (see Civil L.R. 30-3(b)), description, and sponsoring witness, followed by blanks to accommodate the date on which it is marked for identification and the date on which it is admitted into evidence. **No party shall be permitted to offer any exhibit in its case-in-chief that is not disclosed in its exhibit list without leave of the Court for good cause shown.** Parties shall also deliver a set of premarked exhibits to the Courtroom Deputy. The exhibit markers shall each contain the name and number of the case, the number of the exhibit, and blanks to accommodate the date admitted and the Deputy Clerk's initials. Appropriate sample forms are attached. Any objections to exhibits which remain after the pretrial meeting shall be indicated in the pretrial statement.

b. Trial briefs. Briefs on all significant disputed issues of law, including foreseeable procedural and evidentiary issues, which remain after the pretrial meeting.

c. Motions in Limine. Any motions in limine that could

1 not be settled at the pretrial meeting shall be filed with the
2 pretrial statement. Opposition to the motions in limine shall be
3 filed five (5) days thereafter.

4 d. Joint Proposed Voir Dire. The attached voir dire
5 questionnaire will be given to the venire members, and copies of
6 the responses will be made available to counsel at the beginning of
7 voir dire. Counsel should submit a set of additional requested
8 voir dire, to be posed by the Court, to which they have agreed at
9 the pretrial meeting. Any voir dire questions on which counsel
10 cannot agree shall be submitted separately. Counsel will be
11 allowed brief follow-up voir dire after the Court's questioning.

12 e. Joint Proposed Jury Instructions. Jury instructions
13 §1.1 through §1.12.1, §1.13 through 2.2, and §3.1 through §4.3 from
14 the Manual of Model Civil Jury Instructions for the Ninth Circuit
15 (1997 Edition) will be given absent objection. Counsel shall
16 jointly submit one set of additional proposed jury instructions, to
17 which they have agreed at the pretrial meeting. The instructions
18 shall be ordered in a logical sequence, together with a table of
19 contents. Any instruction on which counsel cannot agree shall be
20 marked as "disputed," and shall be included within the jointly
21 submitted instructions and accompanying table of contents, in the
22 place where the party proposing the instruction believes it should
23 be given. Argument and authority for and against each disputed
24 instruction shall be included as part of the joint submission, on
25 separate sheets directly following the disputed instruction.

26 Whenever possible, counsel shall deliver to the Courtroom
27 Deputy a copy of their joint proposed jury instructions on a
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1 computer disk in WordPerfect or ASCII format. The disk label
2 should include the name of the parties, the case number and a
3 description of the document.

4 f. Proposed Verdict Forms, Joint or Separate.

5 g. Proposed Findings of Fact and Conclusions of Law
6 (Court Trial only). Whenever possible, counsel shall deliver to
7 the Courtroom Deputy a copy of their proposed findings of fact and
8 conclusions of law on a computer disk in WordPerfect or ASCII
9 format. The disk label should include the name of the parties, the
10 case number and a description of the document.

11 h. Witness List. **No party shall be permitted to call**
12 **any witness in its case-in-chief that is not disclosed in its**
13 **pretrial statement without leave of the Court for good cause shown.**

14 JURY SELECTION

15 The Jury Commissioner will summon 20 to 25 prospective jurors.
16 The Courtroom Deputy will select their names at random and seat
17 them in the courtroom in the order in which their names are called.

18 Voir dire will be asked of sufficient venire persons so that
19 eight (or more for a lengthy trial) will remain after all
20 peremptory challenges and an anticipated number of hardship
21 dismissals and cause challenges have been made.

22 The Court will then take cause challenges, and discuss
23 hardship claims from the individual jurors, at side bar. The Court
24 will inform the attorneys which hardship claims and cause
25 challenges will be granted, but will not announce those dismissals
26 until the process is completed. Each attorney may then list in
27 writing up to three peremptory challenges. The attorneys will

1 review each other's lists and then submit them to the clerk.

2 Then, from the list of jurors in numerical order, the Court
3 will strike the persons with meritorious hardships, those excused
4 for cause, and those challenged peremptorily, and call the first
5 eight people in numerical sequence remaining. Those people will be
6 the jury.

7 All jurors remaining at the close of the case will deliberate.
8 There are no alternates.

9 SANCTIONS

10 Failure to comply with this Order is cause for sanctions under
11 Federal Rule of Civil Procedure 16(f).

12
13 IT IS SO ORDERED.

14
15 Dated: _____

CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

JUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: _____

2. Your age: _____

3. The city where you live: _____

4. Your place of birth: _____

5. Do you rent or own your own home? _____

6. Your marital status: (circle one)

single married separated divorced widowed

7. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

8. Who is (or was) your employer?

9. How long have you worked for this employer? _____

10. Please list the occupations of any adults with whom you live.

11. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

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12. Please describe your educational background:

Highest grade completed: _____

College and/or vocational schools you have attended:

Major areas of study: _____

13. Have you ever served on a jury before? _____ How many times? _____

If yes: State/County Court _____ Federal Court _____

When? _____

Was it a civil or criminal case? _____

Did the jury(ies) reach a verdict? _____

(rev. 9/1/97)